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SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Follow-up to the Committee's Day of General Discussion on Right to Education (article 13 of the Covenant) and to the World Education Forum (Dakar, April 2000), organized in cooperation with UNESCO

Friday, 10 May 2002, 15.00-18.00

PREPARATION, IMPLEMENTATION AND EVALUATION OF THE NATIONAL ACTION PLANS AS PROVIDED FOR IN THE DAKAR FRAMEWORK FOR ACTION AND THEIR RELATION WITH THE GENERAL COMMENTS ON ARTICLES 13 AND 14 OF ICESCR

Document submitted by UNESCO*

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Introduction

1. The World Education Forum at Dakar (April 2000) generated renewed international commitment to achieving basic education for all. The governments undertook political responsibility to "give substance and form to the goals and strategies" set out in the Dakar Framework for Action[1] adopted at the World Education Forum. The Dakar Framework for Action requests all "States to build on existing national sector strategies and to develop or strengthen existing national plans of action by 2002 at the latest". It stipulates that these EFA National Action Plans must be "integrated into a wider poverty reduction and development framework".[2] They should set out clear strategies for overcoming the special problems facing those currently excluded from educational opportunities, with a clear commitment to girls' education and gender equity.[3]

EFA national action plans - Governments' responsibility

2. What is significant is that the Dakar Framework for Action gives primacy to the national level action. This is very much akin to the spirit of article 14 of the International Covenant on Economic, Social and Cultural Rights relating to the right to education. It requires each State party which has not been able to secure compulsory primary education, free of charge, to undertake, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory primary education free of charge for all.

3. Preparation of a plan of action for achieving progressively free primary education is part of State obligation under international law relating to the right to education. General Comment No. 11 on article 14 (right to education) of the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations Committee on Economic, Social and Cultural Rights (CESCR) in 1999 is entitled *Plans of action for primary education.*[4] It states that "In spite of the obligations undertaken in accordance with article 14, a number of States parties have neither drafted nor implemented a plan of action for free and compulsory primary education".[5] It recognizes that "many diverse factors have made it difficult for States parties to fulfil their obligation to provide a plan of action". Nevertheless, "in line with its clear and unequivocal obligation under article 14, every State party is under a duty to present to the Committee a plan of action" (para. 3).[6] This General Comment, therefore, provides that "the State party is required to adopt a plan of action within two years. (...) The plan must cover all of the actions which are necessary in order to secure each of the requisite component parts of the right and must be sufficiently detailed so as to ensure the comprehensive realization of the right" (para. 8). Moreover, according to the General Comment No. 13 on article 13 of the International Covenant on Economic, Social and Cultural Rights, elaborated by the United Nations Committee on Economic, Social and Cultural Rights (CESCR) in collaboration with UNESCO, States parties to the International Covenant are obliged to "prioritize the introduction of compulsory, free primary education"... "At a minimum, the States parties are required to adopt and implement a national educational strategy ...".[7]

4. UNESCO has placed the outcome of the World Education Forum at the heart of its activities and education for all (EFA) high on its agenda. The Medium-Term Strategy 2002-2007 elaborated by the Organization reflects the education agenda adopted at

Dakar so that it guides UNESCO's action for the benefit of Member States. The Strategy reiterates the primacy of government responsibility and stipulates that "success in achieving the Dakar goals will be determined at the country level. A major task for UNESCO will be to **support Member States in policy reforms, especially the design and implementation of EFA policies and action plans as well as of legal instruments for promoting universal access to basic education**".[8] The Strategy further provides that "Member States must be the prime movers in designing or strengthening national EFA action plans by 2002, which ought to be embedded in both overall national education and poverty eradication strategies".[9]

5. The Dakar Framework for Action is reinforced by the *United Nations Literacy Decade: education for all* (2003-2012), whose objective is "to promote the right to education for all and to create conditions for all for learning throughout life".[10] The resolution adopted by the General Assembly on the Decade in December 2001 "*appeals* to all Governments to redouble their efforts to achieve their own goals of education for all by developing national plans in accordance with the Dakar Framework for Action (...)".[11]

Preparatory process and the current status of EFA national action plans

6. Soon after the World Education Forum, UNESCO initiated the process for preparing the National EFA Plans. In August 2000, "Country Guidelines on the Preparation of National EFA Plans of Action" were produced in all United Nations languages and disseminated to all countries.

7. As a result, many countries are in the process of the preparation of National EFA Plans. Innovative initiatives are being taken at regional level, besides setting up appropriate institutional bodies and mechanisms for the preparation and monitoring of education plans conducive to the implementation of the EFA Goals.

8. In May 2001, UNESCO launched a survey through a questionnaire with a view to appraising the status of National EFA Plans and to ascertaining the needs for technical support in plan preparation at country level.[12]

9. Results of the Survey, based on the responses by 71 countries by end December 2001 indicated that:

- 45 EFA plans (63 per cent) were now in place - 41 of these were prepared before the World Education Forum;

- 7 countries reported having no plan in place and 19 (27 per cent) countries are preparing the plans;

- half of the existing education plans remain at the level of policy statements, and just short of being credible action plans. In 31 countries out of 39 where education plans exist, Governments are reportedly going to readjust them to EFA Goals, which means that 58 countries out of 71 responding countries (over 85 per cent) still need to develop or adjust the existing education plans according to the EFA criteria;

- 58 countries out of 71 countries (over 80 per cent) would require methodological and technical support for the preparation of national EFA action plans or strengthening of existing ones.

10. Further completed questionnaires received by UNESCO will be processed for and communicated to all partners involved in the preparation of national EFA Action Plans.

Implementation and evaluation

11. The Dakar Framework for Action stipulates that "Political will and stronger national leadership are needed for the effective and successful implementation of national plans in each of the countries concerned" (para. 10).

12. The General Comment 11 elaborated by CESCR, mentioned above, also underlines the importance of Progressive implementation. "The plan of action must be aimed at securing the progressive implementation of the right to compulsory primary education, free of charge, under article 14. (...) the plan must specifically set out a series of targeted implementation dates for each stage of the progressive implementation of the plan. This underscores both the importance and the relative inflexibility of the obligation in question" (para. 10).

13. As the Dakar Framework for Action puts it, "Implementation of the preceding goals and strategies will require national, regional and international mechanisms to be galvanized immediately. (...) The functions of these mechanisms will include, to varying degrees, advocacy, resource mobilization, monitoring, and EFA knowledge generation and sharing".[13] Given the fact that the Dakar Framework for Action provides for institutional mechanisms - National EFA Forums[14] - guidelines prepared for country action and discussed with relevant EFA stakeholders aim at helping in particular, to establish national coordination committees. In the Survey mentioned above, in 71 countries that responded to the questionnaire, 47 countries (66 per cent) reported they had already set up EFA forums or EFA-related bodies while 21 (i.e., 34 per cent) reported they did not yet have such structures.

14. The United Nations Literacy Decade (2003-2012) imparts strength to the effective implementation of the National EFA Plans. The resolution adopted by the General Assembly on the Decade in December 2001 "*invites* Member States, the specialized agencies and other organizations of the United Nations system as well as relevant intergovernmental and non-governmental organizations to intensify further their efforts to implement effectively the World Declaration on Education for All" (para. 9). It is important to note that by this resolution, the General Assembly *decided* that UNESCO "should take a coordinating role in stimulating and catalysing the activities at the international level within the framework of the Decade" (para. 10).

15. As regards the **evaluation** of the National EFA Action Plans, of foremost importance is the evaluation of the Plan itself so that it conforms to EFA goals and criteria.

16. The analysis of some national EFA plans (both in place and under preparation) shows that some plans *contain only general policy statement,* followed by a more or less exhaustive listing of development actions without going further with multi-annual planning, time-bound indicators, prioritization, time and financial programming, costing and implementation strategies.

17. Although, as the Survey results mentioned above indicated, many countries reported that the existing education plans included EFA sub-sectors and targets, few seem to respond to EFA criteria. Most existing education plans remain at the level of policy statement and fall short of being operational action plans as proposed in the Dakar Framework for Action. Many of them were not prepared through the EFA process of wide stakeholder consultation and participation and did not integrate EFA Goals. Thus, methodological difficulties arise how to ensure the effective participation in policy formulation and preparation of Plans by civil society, and stakeholders.

18. More recently, draft "Generic Criteria for Assessing the Credibility of National EFA Plans" have been developed by UNESCO to be shared among partners. These aim to ensure that National EFA Plans are in line with national development frameworks in general and broader education sector policies in particular. It is imperative that the criteria used in assessing whether National EFA Plans are "credible" should indicate as to how the Plans address the question of quality education.[15]

19. As National EFA Plans should contain long-term strategy frameworks for the achievement of EFA goals by 2015 at the latest, as well as *shorter-term action plans* (e.g. 3 to 5-year rolling implementation plans depending on Governments' planning practices in place) - both being time-bound and action-oriented - their mid-term evaluation would be critical. In its paragraph 16 (vi), the Dakar Framework for Action foresees the importance of mid-term performance indicators.

20. In this connection, it is pertinent to recall that the General Comment No. 11 on article 14 (right to education) of the International Covenant, mentioned above, stipulates that "participation of all sections of civil society in the drawing up of the plan is vital and some means of periodically reviewing progress and ensuring accountability are essential. Without those elements, the significance of the article would be undermined".[16]

21. In preparing and implementing National EFA Plans "problems associated with the chronic under-financing of basic education by establishing budget priorities that reflect a commitment to achieving EFA goals and targets at the earliest possible date, and no later than 2015" (para. 9) have to be dealt with. Enhancing financial resources for EFA is of critical importance as basic education is under-funded. Independent external evaluation is important whether the government's political commitment reflects in financial allocation for basic education for all - through national legislation and education policy and programmes.

Importance of technical assistance

22. If developing countries are to achieve EFA objectives, they will need human and technical capacity to develop educational plans, manage and administer their educational systems efficiently, deliver effective educational services in local communities, and monitor progress using educational indicators based on reliable data.

23. The Dakar Framework for Action provides that "for those countries with significant challenges, such as complex crises or natural disasters, special technical support will be provided by the international community" (para. 16). The World Bank estimates that at least 32 countries are unlikely to meet the Universal Primary Education (UPE) target at the current pace. Of the 32 countries judged to be most at risk of not meeting the EFA primary enrolment target, 12 are countries in conflict or emerging from it. While most of the latter may ultimately be included in the PRSP process, this will not occur soon.

24. As is acknowledged by the Dakar Framework for Action "many countries currently lack the resources to achieve education for all within an acceptable time-frame. New financial resources, preferably in the form of grants and concessional assistance, must therefore be mobilized by bilateral and multilateral funding agencies, including the World Bank and regional development banks, and the private sector"[17] (para. 10). Similarly, the General Comment 11 elaborated by CESCR, mentioned above, states that "a State party cannot escape the unequivocal obligation to adopt a plan of action on the grounds that the necessary resources are not available. (...) Where a State party is clearly lacking in the financial resources and/or expertise required to 'work out and adopt' a detailed plan, the international community has a clear obligation to assist" (para. 9).[18] In this context, it is important to move in the direction of augmenting the ODA education funding to basic education and enhance the World Bank lending for basic education as it has declined significantly in recent years (though World Bank funding for basic education as a percentage of total education funding has been relatively constant).

25. Dealing with the capacity constraints is crucial for developing and implementing National EFA Plans. The Survey mentioned above provided some insights into the specific areas of technical support required for the preparation of National EFA Plans. The majority of countries reported they would require external support in the preparation and/or readjustment of National EFA Plans.

26. A major limiting factor is that in the majority of countries, education information systems, which are prerequisites for providing necessary data and information for EFA planning, are reportedly weak and need to be improved in terms of data collection, analysis or utilization. Most developing countries stated they would require methodological and technical support for the preparation of the EFA plans or the strengthening of existing plans. Two thirds of 71 responding countries do not seem to have reliable capacities for data collection, processing and/or analysis for preparing EFA action plans.

27. Technical assistance, specially technical upstream services in the field of policy formulation and plan preparation is indispensable in the light of the needs expressed for technical support. UNESCO's Approved Programme and Budget 2002-2003 foresees that UNESCO will "assist Member States in developing coherent EFA action plans, with close links between different levels of education and forms of learning".[19]

Towards enhanced inter-agency cooperation

28. Agency coordination mechanisms are necessary in order to provide concerted and effective support to countries in the preparation of National EFA Plans by helping to integrate sub-sectoral plans and development projects into coherent and realistic EFA frameworks. It is

only on the basis of a credible national education strategy, situated within a broader poverty reduction framework that tangible support to the EFA movement can be expected from the funding agencies. Joint programming of agencies for support to the design of PRSP and National EFA Plans can help enhance the efficiency and synergy of the technical assistance for the benefit of the recipient countries. Besides, it is crucial to optimize the contribution by the National EFA Plans to *the 10-Year United Nations Girls' Education Initiative (UNGEI)*[20] and to focus particular attention on issues of access and equity concerning girls' opportunities for primary schooling.

29. In this context, it is pertinent to refer to the General Comment No. 13 on article 13 of the International Covenant mentioned above. Part III of this General Comment entitled "Obligation of Actors other than State Parties" attaches special importance to "the role of the United Nations agencies, including at the country level through the United Nations Development Assistance Framework (UNDAF)". It stipulates that "Co-ordinated efforts for the realization of the right to education should be maintained to improve coherence and interaction among all the actors concerned, including the various components of civil society. UNESCO, the United Nations Development Programme, UNICEF, ILO, the World Bank, the regional development banks, the International Monetary Fund and other relevant bodies within the United Nations system should enhance their co-operation for the implementation of the right to education at the national level, with due respect to their specific mandates, and building on their respective expertise. In particular, the international financial institutions, notably the World Bank and IMF, should pay greater attention to the protection of the right to education in their lending policies, credit agreements, structural adjustment programmes and measures taken in response to the debt crisis."[21]

30. It is important to mention that the joint endeavour of UNESCO and CESCR can be a contributory factor in mid-term evaluation of the National EFA Plan at the country level possibly within the framework of the Joint UNESCO-CESCR Expert Group on the Right to Education, created by UNESCO's Executive Board at its 162nd session in September-October 2001.

31. Inter-agency collaboration is crucial to the implementation of the *Dakar Framework for Action*. As lead agency in this international movement, UNESCO is responsible for coordinating actions taken to follow-up the collective commitments made at the World Education Forum. The field of international cooperation must be expanded, by involving not only UNESCO's four official partners in the Education for All movement - the World Bank, UNFPA, UNDP and UNICEF - but also other multilateral agencies, such as ILO, FAO and WHO in the follow-up to the *Dakar Framework for Action*. UNESCO also acknowledges the importance of adding to the debate on the rationalization of financial flows for funding basic education, in cooperation with the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development.

32. What is crucial is that National EFA Plans have nexus with the mechanisms of the United Nations Common Country Assessment (CCA), the United Nations Development Assistance Framework (UNDAF) and the Poverty Reduction Strategy Papers (PRSPs). UNESCO has been striving to move in that direction.[22] It is also necessary to avoid duplication, dispersal and fragmentation of support in the preparation of UNDAF, PRSP, EFA Plans, etc. in the context of inter-agency cooperation.

33. It is critically important to accelerate the process of the preparation of the National EFA Plans and to ensure their effective implementation. Hence, the set of Recommendations for immediate action contained in the Communiqué[23] issued at the end of the first meeting of the High Level Group on Education for All (October 2001) includes a strategy to operationalize the Dakar Framework such that it would "identify: major actions to be taken within specified time-lines; general roles and responsibilities of partners; linkages among activities".

Issues for discussion

34. Enormous efforts are required to be made by the countries and external partners. Countries must, within poverty reduction strategies, where applicable, accelerate progress in order to put in place the Plans, which encompass all EFA goals and take into due consideration both content and process.

35. In that perspective, a vital question is how to enhance the capacity of developing countries to implement National EFA Plans and to encourage and support the use of expertise available nationally and internationally? The Norwegian Government has placed a trust fund at the disposal of UNESCO to support provision of technical assistance for preparation of National EFA Plans at least in 10 developing countries.

36. Clearly, there is need to provide technical support for the Poverty Reduction Strategy Papers (PRSPs) and National EFA Plans. Given the complementarity of these two instruments, the PRSP will greatly benefit from the support to National EFA Plans preparation and vice versa. Several questions need to be addressed: how to improve the coherence of the PRSP/SWAPs, United Nations and EFA processes? How to ensure proper integration of National EFA plans into PRSP, where feasible, as well as in development assistance for greater availability of grants and external aid? And how to ensure effective donor coordination in the context of SWAPs on long term sustainability?

37. Another issue of critical importance is how to elaborate specific strategies in countries in crisis and conflict to reconstruct education ministries and revive education development programmes in collaboration with the civil society and the international community?

38. Reflections are also called for so as to ensure synergy between the National EFA Plans and the Plan of Action for the United Nations Literacy Decade? Mutually reinforcing approaches in the implementation of article 14 of the International Covenant relating to the right to education and that of the Dakar Framework would be important.

Notes

[1] Six reinforcing goals of the Dakar Framework for Action are: improving early childhood care; free and compulsory primary education for all by 2015; equitable access to life skills programmes; achieving a 50 per cent improvement in adult literacy by 2015; eliminating gender disparities by 2005; and achieving measurable improvements in the quality of education. The Dakar Framework Education For All: Meeting Our Collective Commitments, adopted at the World Education Forum, 28 April 2000, Dakar, Senegal (para. 7).

[2] Ibid. (para. 9). These Plans should be developed through more transparent and democratic processes, involving stakeholders, especially peoples' representatives, community leaders, parents, learners, non-governmental organizations (NGOs) and civil society.

[3] "Each National EFA Plan will:

(i) be developed by government leadership in direct and systematic consultation with national civil society;

(ii) attract coordinated support of all development partners;

(iii) specify reforms addressing the six EFA goals;

(iv) establish a sustainable financial framework;

(v) be time-bound and action-oriented;

(vi) include mid-term performance indicators;

(vii) and achieve a synergy of all human development efforts, through its inclusion within the national development planning framework and process."

The Dakar Framework for Action (para. 16).

[4] Plans of action for primary education (art. 14): the United Nations Committee on Economic, Social and Cultural Rights (CESCR) General Comment 11, Geneva, 26 April-14 May 1999. 10/05/99. E/C.12/1999/4.

[5] Ibid.

[6] Ibid., "Plans of action prepared by States parties to the Covenant in accordance with article 14 are especially important as the work of the Committee has shown that the lack of educational opportunities for children often reinforces their subjection to various other human rights violations" (para. 4 of the General Comment).

[7] General Comments No. 13 on the right to education (article 13 of the Covenant), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-first session in 1999. See E/C.12/1999/10, 2 December 1999 (paras. 51 and 52).

[8] UNESCO's Medium Term Strategy (2002-2007), C/4 (para. 57), UNESCO, Paris. Text emphasized in the Strategy.

[9] Ibid.

[10] United Nations General Assembly resolution A/RES/56/116 entitled *United Nations Literacy Decade: education for all*, adopted on *19 December 2001*.

[11] Ibid. The General Assembly requires "setting firm targets and timetables, including gender-specific education targets and programmes, to eliminate gender disparities at all levels of education, to combat the illiteracy of women and girls and to ensure that girls and women have full and equal access to education, and by working in active partnership with communities, associations, the media and development agencies to reach those targets" (para. 4).

[12] Report of the Director-General on the implementation of and follow-up to the Framework for Action of the World Education Forum in Dakar, Doc. 162 EX/7, (para. 13). The questionnaire was comprised of two components: (i) stocktaking of current status of the preparation/strengthening of education development plans as well as the integration of EFA Goals; and (ii) type of technical support required at country level. Most countries that responded to the questionnaire require technical support for the preparation of EFA Plans.

[13] The Dakar Framework for Action (para. 15).

[14] Such Forums "will be strengthened or established to support the achievement of EFA. All relevant ministries and national civil society organizations will be systematically represented in these Forums" (Dakar Framework for Action, para. 16).

[15] "(...) all children, young people and adults have the human right to benefit from an education that will meet their basic learning needs in the best and fullest sense of the term, an education that includes learning to know, to do, to live together and to be. It is an education geared to tapping each individual's talents and potential, and developing learners' personalities, so that they can improve their lives and transform their societies". The Dakar Framework for Action (para. 3).

[16] Op. cit. (para 8).

[17] The Dakar Framework for Action (para. 10).

[18] Further, "in appropriate cases, the Committee encourages States parties to seek the assistance of relevant international agencies, including the International Labour Organization (ILO), the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the International Monetary Fund (IMF) and the World Bank, in relation both to the preparation of

plans of action under article 14 and their subsequent implementation. The Committee also calls upon the relevant international agencies to assist States parties to the greatest extent possible to meet their obligations on an urgent basis" (para. 11).

[19] UNESCO's Approved Programme and Budget 2002-2003 recalls that "the Dakar requests Member States to ensure that they have prepared or reinforced existing national EFA plans by 2002 at the latest. These action plans need to be situated within a well-integrated sector framework and closely linked to poverty eradication and sustainable development strategies". UNESCO's Approved Programme and Budget 2002-2003 C/5 (para. 01112).

[20] Launched by the United Nations Secretary-General at the World Education Forum in Dakar in April 2000, UNGEI is a coherent United Nations system-wide collaborative programme led by UNICEF to improve the quality and level of girls' education and to eliminate gender bias and discrimination in education. Within the framework of UNGEI, UNESCO has made efforts to ensure that gender-related components are included in National EFA Plans. The role of UNESCO is to support UNGEI and, wherever possible, to influence leaders to make commitments in favour of gender equality in education. UNESCO has prepared a working document on Gender Equality in Basic Education - Strategic Framework, with special reference to non-formal education for girls and women. 162 EX/7, op. cit., (para. 16 (b)).

[21] General Comments No. 13 on the right to education (article 13 of the Covenant), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-first session in 1999 (para. 60). See E/C.12/1999/10, 2 December 1999.

[22] Doc. 162 EX/7, op. cit., (para. 12).

[23] Communiqué issued at the end of the first meeting of the High Level Group on Education for All (EFA), convened by the Director-General of UNESCO at UNESCO Headquarters on 29 and 30 October 2001.